

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KESHUNA ABCUMBY,

Plaintiff,

v.

Case No. 21-11281

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

Sean F. Cox  
United States District Court Judge

Defendants.

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**ORDER**  
**ADOPTING 9/7/22 REPORT AND RECOMMENDATION**

Acting through counsel, Plaintiff filed this civil action pursuant to 42 U.S.C. § 1983. The matter was referred to Magistrate Judge Jonathan Grey for all pretrial proceedings.

Thereafter, on October 18, 2021, Defendants filed a Motion to Dismiss and for Summary Judgment. (ECF No. 15).

In a Report and Recommendation issued on September 7, 2022 (ECF No. 21), the magistrate judge recommends as follows:

For the foregoing reasons, the Court **RECOMMENDS** that defendants' motion to dismiss be **GRANTED IN PART** and **DENIED IN PART**. Furthermore, the Court **RECOMMENDS** that defendants' summary judgment motion be **DENIED AS MOOT**. Specifically, the Court **RECOMMENDS** dismissing MDOC, Washington, and Brewer as defendants; and proceeding with Abcumby's three claims against Officer Frye alleging violations of the Eighth, Fourth and Fourteenth, and First Amendments.

(*Id.* at 10).

The time permitted for the parties to file objections to that Report and Recommendation has passed and no objections were filed.

Accordingly, the Court hereby **ADOPTS** the September 7, 2022 Report and Recommendation and **ORDERS** that Defendants' motion is **GRANTED IN PART AND DENIED IN PART**. The motion is **GRANTED** to the extent that Plaintiff's claims against Defendants Washington, Brewer, and the Michigan Department of Corrections are **DISMISSED**. The motion is **DENIED** in all other respects.

**IT IS SO ORDERED.**

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 23, 2022